

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WM CAPITAL PARTNERS XXXV, LLC,

No. C 14-03556 WHA

Plaintiff,

v.

**ORDER RE SERVICE OF  
DEFAULT JUDGMENT MOTION**

THE MEN'S WAREHOUSE, INC.,

Defendant.

\_\_\_\_\_  
THE MEN'S WAREHOUSE, INC.,

Third-Party Plaintiff,

v.

INTERACTIVE WORLDWIDE CORP.


Third-Party Defendant  
\_\_\_\_\_

Third-party plaintiff the Men's Warehouse, Inc. has filed a motion for default judgment against third-party defendant Interactive Worldwide Corp. The Men's Warehouse submitted a declaration stating it served IWC with the complaint in January of this year, but IWC has failed to respond in any manner. The Clerk entered a default against IWC and Magistrate Judge Elizabeth Laporte submitted a report recommending that the default judgment motion be granted. While the Men's Warehouse stated that it properly served IWC with the original complaint, it has not submitted any indication that it served IWC with a courtesy copy of its default judgment

1 motion. By **NOON ON DECEMBER 2, 2015**, the Men's Warehouse shall submit a sworn  
2 declaration stating whether it has served a courtesy copy of its default judgment motion on IWC.  
3 If the Men's Warehouse has not served a courtesy copy of its motion on IWC, it must do so by  
4 **NOON ON DECEMBER 3, 2015**. Any response by IWC is due by **NOON ON DECEMBER 11, 2015**.

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6 **IT IS SO ORDERED.**

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8 Dated: November 30, 2015.

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10 WILLIAM ALSUP  
11 UNITED STATES DISTRICT JUDGE  
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